



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,710	11/24/2003	Krishnaraju Varadarajan	031599/261149	5368

826 7590 04/04/2006

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
----------	--------------

3727

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Part of Paper No./Mail Date 20060330

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambleton et al. (U.S. 4,557,398) in view of Quinn (U.S. 6,846,876). Hambleton et al. discloses the claimed invention except for the lower acid content material. Quinn teaches that it is known to provide a heat seal material which comprises an ethylene acrylic acid ionomer and an ethylene methacrylic acid ionomer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Hambleton et al. with a heat seal material of Quinn, in order to improve the adherence qualities of the sealing material.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The references of Benzion (U.S. 6,977,101) and Nakagawa (U.S. 6,773,806) and Sullivan (U.S. 6,634,963) are cited for the teaching of the various uses of sealing materials which comprise ethylene acrylic acid ionomer and ethylene methacrylic acid ionomer.

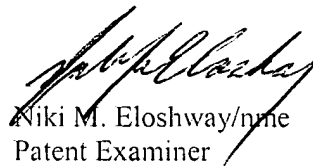
Conclusion

4. In view of the new grounds of rejection, THIS ACTION IS NON-FINAL.

Art Unit: 3727

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Niki M. Eloshway/nme
Patent Examiner
March 31, 2006